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F.#2008V01050

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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UNITED STATES OF AMERICA,

Plaintiff,

- against -

ALEXANDRA HALITSKY, M.D.,

Defendant.

CONSENT JUDGMENT

Civil Action No.
09 CV 1057

(Wexler, J.)
(Lindsay, M.J.)

-----X

WHEREAS, beginning in or about April 2006, investigators of the Diversion Group of the Long Island District Office, Drug Enforcement Administration ("DEA"), United States Department of Justice, conducted an investigation into purported prescriptions written and issued by Alexandra Halitsky, M.D. ("Halitsky") to a member of her family between April 2001 and June 2006 for Hydrocodone and Oxycodone, both of which are controlled substances under the Controlled Substances Act, as amended, Title 21, United States Code, Section 801, et seq. (the "CSA"); and

WHEREAS, Halitsky wrote in excess of eighty (80) such purported prescriptions for Hydrocodone and Oxycodone in violation of Title 21, United States Code, Sections 829(a) and (b), 842(a)(1) and 21 C.F.R. § 1306.04(a); and

WHEREAS, Halitsky issued the purported prescriptions for Hydrocodone and Oxycodone outside the usual course of

professional treatment; and

WHEREAS, Halitsky is subject to liability to the United States of America in the amount of not more than twenty-five thousand dollars (\$25,000.00) for each of the purported prescriptions written and issued within the past five years pursuant to Title 21, United States Code, Sections 842(a)(1) and 842(c)(1)(A); and

WHEREAS, Halitsky is liable for injunctive relief with respect to the aforementioned purported prescriptions pursuant to Title 21, United States Code, Sections 842(a)(1) and 843(f); and

WHEREAS, the United States of America and Halitsky now desire to resolve the United States of America's CSA civil penalty and injunctive relief claims.

IT IS HEREBY STIPULATED AND AGREED ON CONSENT, by and between the undersigned parties and their counsel as follows:

1. Halitsky agrees to pay a civil penalty in the amount of twenty-five thousand dollars and zero cents (\$25,000.00) (the "Money Judgment") in full satisfaction and resolution of the United States of America's claims for civil penalties.

2. Halitsky shall pay the Money Judgment in full at the time of execution of this Consent Judgment (the "Due Date"). Such payment shall be made by a certified or bank check payable to the "United States Department of Justice," and delivered to AUSA James H. Knapp at the United States Attorney's Office, 610

Federal Plaza, Central Islip, New York. If Halitsky fails to pay in full the Money Judgment on or before the Due Date, interest shall accrue on the Money Judgment due and payable by Halitsky, at the rate provided for in 28 U.S.C. § 1961, retroactive to the effective date of this Consent Judgment and Stipulation of Settlement.

3. Halitsky shall immediately notify the DEA Long Island District Office at the address set forth in paragraph 7 below of any action by any state agency affecting her right or authority to practice medicine.

4. Halitsky is hereby permanently enjoined from purchasing any controlled substances, except as provided herein: (1) the prescription lists as the patient Halitsky, or a child of Halitsky; (2) the prescription is written and issued by a person other than Halitsky; and (3) the prescription complies with all applicable federal, state and local statutes and regulations, including without limitation 21 U.S.C. section 829 and 21 C.F.R. sections 1306.04 and 1306.05.

5. Halitsky shall keep and maintain a log of the controlled substances which she prescribes (the "controlled substances log").

6. The controlled substances log referenced in paragraph 5 above shall include, for each prescription, the date, name and address of the patient, and shall specify the controlled

substance, quantity and dosage prescribed.

7. Halitsky shall submit the controlled substances log to the DEA, Long Island Diversion Group, 175 Pinelawn Road, Suite 205, Melville, New York 11747, Attention: Group Supervisor, on a quarterly basis for a period of two years, beginning on April 1, 2009. Halitsky shall mail each controlled substances log to the DEA at the above address no later than five (5) five business days after the conclusion of the quarter for which the controlled substances log applies.

8. Halitsky consents to the entry of DEA personnel at each location that she practices medicine and each location at which she has registered with DEA as her registered location during regular business hours, without prior notice, and without an administrative inspection warrant, notice of inspection of controlled premises, or any other means of entry, to verify compliance with this Consent Judgment and the CSA.

9. Halitsky shall notify the DEA, Long Island District Office in writing at the address set forth in paragraph 7 above, of any requested modification to her DEA registration.

10. Halitsky is hereby permanently enjoined from administering or distributing controlled substances to any family member or ex-family member by any means, including without limitation the writing and/or issuance of prescriptions for a controlled substance. For the purposes of this Consent Judgment,

the terms "controlled substance," "administer" and "distribute" are defined in the manner set forth in 21 U.S.C. § 802. Violation of the terms of this Consent Judgment shall result in the initiation of proceedings to revoke Halitsky's DEA certificate of registration.

11. The obligations imposed upon Halitsky pursuant to this Consent Judgment shall be in addition to, and not in derogation of, all requirements imposed upon Halitsky pursuant to all applicable federal, state and local laws, including without limitation the requirements set forth in the CSA, 21 U.S.C. § 801 et seq., and the regulations promulgated thereunder. Nothing herein shall preclude the United States and/or DEA from taking any action for violations by Halitsky not alleged in the amended complaint.

12. This Consent Judgment constitutes the entire agreement between the parties.

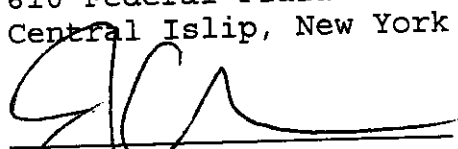
13. The District Court shall retain jurisdiction to enforce

the provisions of this Consent Judgment.

Dated: Central Islip, New York
April 21, 2009

BENTON J. CAMPBELL
United States Attorney
Eastern District of New York
Attorney for Plaintiff
610 Federal Plaza
Central Islip, New York 11722

By:


JAMES H. KNAPP
Assistant U.S. Attorney
(631) 715-7879

SO ORDERED

USDJ.

CENTRAL ISLIP, NY

6/23/09

the provisions of this Consent Judgment.

Dated: Brooklyn, New York
April 14, 2009

JOSEPH J. LABARBERA, ESQ.
Attorney for Alexandra Halitsky, M.D.
55 Washington Street, Suite 602
Brooklyn, New York 11201

By: 

JOSEPH J. LABARBERA, ESQ.
(718) 596-9366

AGREED AND CONSENTED TO BY:

Dated: Southampton, New York
April 13, 2009


ALEXANDRA HALITSKY, M.D.

Before me this 13th day of April 2009, personally came ALEXANDRA HALITSKY, M.D., personally known to me, or proved to me on the basis of satisfactory evidence, to be the individual whose name is subscribed to the within instrument and acknowledged to me that she executed the same, and that by her signature on the instrument, the individual executed the instrument.

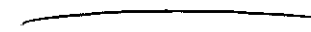

NOTARY PUBLIC

MARIA ROSANIA
Notary Public, State of New York
NO. 01RO6202185
Qualified in Suffolk County
Commission Expires 03/09/2013

AGREED AND CONSENTED TO BY:

So Ordered:

Dated: Central Islip, New York
April _____, 2009


HONORABLE LEONARD D. WEXLER
UNITED STATES DISTRICT JUDGE